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NUNC PRO TUNC JULY 5, 2002

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

EFFECTIVE

JULY 5, 2002

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OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE ACUPUNCTURE EXAMINING BOARD

In the Matter of:

JOHN MANZELLA

CONSENT ORDER

This matter was opened before the New Jersey State Acupuncture Examining Board (the "Board") upon the Board's receipt of an application for certification to practice acupuncture from respondent John Manzella. Respondent truthfully disclosed on his application that, in May 1996, he had pled guilty to and was thereby convicted of the third degree crime of having conspired to distribute a controlled dangerous substance (cocaine) with the intent to distribute same in violation of N.J.S.A. 2C:5-2a and N.J.S.A. 2C:35-5b(3).

Respondent appeared before the Board represented by Paul Faugno, Esq., on July 18, 2001, and then testified under oath concerning the events which occurred leading to his arrest and conviction. Respondent admitted in his Testimony before the Board that, prior to his arrest, he had used illegal drugs, to include marijuana and cocaine. Respondent testified (and available documentation corroborates) that he was sentenced to three years probation (conditions of which included participation in a substance abuse counseling program, performance of 150 hours of

community service, and payment of certain monetary assessments). Respondent received out-patient counseling, four times weekly, at Fair Oaks Rehabilitation Clinic in Summit, New Jersey, during the first six months of probation, and was subjected to random urine screening throughout the three year period of probation (all tests having been negative); he ultimately successfully completed and was discharged from probation. Respondent further testified that he has not used illegal drugs since the date of his arrest. Documentation available to the Board corroborates respondent's testimony concerning his sentencing and his ultimate discharge from probation.

Subsequent to appearing before the Board, respondent enrolled in the Physicians' Health Program of the Medical Society of New Jersey (the "PHP"). Within a report dated April 24, 2002, the PHP reported that it is presently monitoring Mr. Manzella, who is five and one-half years in ongoing recovery, and the PHP further reported that Mr. Manzella has been subjected to random, weekly urine monitoring of specimens collected by a representative of the PHP, with all results negative. The PHP further represented that it would continue to monitor Mr. Manzella's recovery, and that it would provide quarterly reports to the Board on Mr. Manzella's status and immediate notification to the Board in the event of non-compliance or relapse.

The Board has determined that respondent Manzella may presently be licensed to practice acupuncture in New Jersey, notwithstanding his prior conviction, however concludes that respondent is to be presently reprimanded for his prior conviction. The Board thus finds that Mr. Manzella meets all requirements for certification as an acupuncturist, to include graduation from an approved acupuncture school, passage of required examinations offered by the NCCAOM and passage of the Board's examination. While the Board concludes that respondent's conviction was of an offense involving moral turpitude and relating adversely to the profession of acupuncture, and would thus constitute cause for the Board to deny respondent's application for certification to practice acupuncture, the Board is satisfied that a sufficient showing has been made by respondent to support a conclusion that respondent has undergone rehabilitation since the time of his arrest, and that the arrest and conviction were isolated events which occurred six years ago.

The Board is further mindful that respondent is presently participating with the PHP, and finds that such participation assuages concerns that might otherwise exist based on respondent's prior conduct. The Board will presently require respondent to continue to participate with the PHP, and to authorize the PHP to provide the Board with quarterly reports regarding respondent's participation in the program and immediate reports in the event

that respondent is non-compliant in any way with the PHP or in the event the PHP obtains any evidence, to include any positive urine screens, that respondent has relapsed and used illegal drugs.

The Board being satisfied that the public interest is adequately protected by the entry of the within Order, and that good cause exists for entry of the within Order,

IT IS on this 30th day of June, 2002

ORDERED and AGREED:

1. Respondent John Manzella's application for certification to practice acupuncture in the State of New Jersey is hereby granted by the Board.
2. Respondent John Manzella is hereby formally reprimanded for having been convicted of the third degree crime of possession of cocaine with the intent to distribute same in May 1996.
3. Respondent is ordered to continue to participate with the Physicians' Health Program of the Medical Society of New Jersey, which program shall continue to conduct random, unannounced urine screening, at such frequency as the PHP may determine to be appropriate. Respondent shall authorize the PHP to provide quarterly reports to the Board regarding his participation in the PHP, and to provide immediate reports to the Board in the event that respondent falls to comply with any part of his monitoring program with the PHP, or in the event that the PHP obtains any

reliable evidence that respondent has used illegal drugs, to include any positive urine screen results.

4. In the event that the Board receives any reports that respondent has been non-compliant with the PHP or that respondent has used illegal drugs, it is agreed that such report shall constitute cause, without more, for the entry of an Order suspending respondent's certification to practice acupuncture in the State of New Jersey.

NEW JERSEY STATE ACUPUNCTURE
EXAMINING BOARD

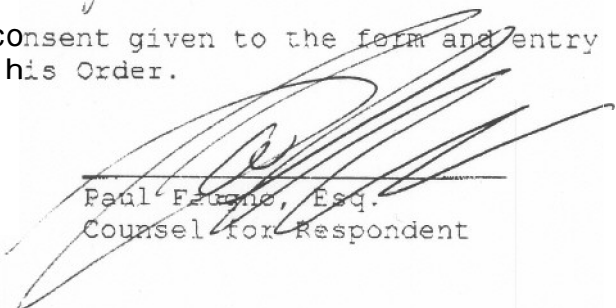
By


Robert F. Lenahan, C.A.
Board President

I hereby acknowledge that I have reviewed the within Order and agree to its terms. Consent is hereby given to the Acupuncture Examining Board to enter this Order.


John Manzella

Consent given to the form and entry of this Order.


Paul Eugene, Esq.
Counsel for Respondent